

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA
MOBILITY LLC, and GENERAL
INSTRUMENT CORPORATION,

Defendants.

CASE NO. C10-1823-JLR

DEFENDANTS' RESPONSE TO
MICROSOFT'S 7/29/13 MOTION TO
SEAL

**NOTED ON MOTION CALENDAR:
Friday, August 9, 2013**

DEFENDANTS' RESPONSE TO MICROSOFT'S 7/29/13
MOTION TO SEAL
CASE NO. C10-1823-JLR

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1 **I. INTRODUCTION**

2 Defendants Motorola, Inc. (now Motorola Solutions, Inc.), Motorola Mobility, Inc. and
3 General Instrument Corp. (collectively “Motorola”) do not oppose Microsoft’s 7/29/13 Motion to
4 Seal (Dkt. No. 798) regarding the following documents:

- 5 • Portions of Exhibits 2-4 and 6-8, 10-11 to the Declaration of Christopher Wion in
6 Support of Microsoft’s Motions *in limine* (“Wion Declaration”) (Dkt. No. 801);¹
- 7 • Microsoft’s Motion Microsoft’s Motions *in Limine* to the extent they refer to or
8 rely on the above exhibits (Dkt. No. 801); and
- 9 • The Parties’ Pretrial Order filed contemporaneously therewith (Dkt. No. 803).

10 **II. MOTOROLA DOES NOT OPPOSE MICROSOFT’S MOTION TO SEAL.**

11 Exhibit 2 to the Wion Declaration is excerpts of the transcript of the deposition of Kirk
12 Dailey, which was designated by Motorola as “HIGHLY CONFIDENTIAL ATTORNEYS’
13 EYES ONLY.” The excerpted pages reference non-public commercially sensitive information
14 regarding Motorola’s business and licensing practices and strategies. Disclosure of this
15 information to third parties and other party employees not covered by the Protective Order would
16 have the potential to lead to competitive harm. Accordingly, Exhibit 2 should remain under seal.

17 Exhibit 3 to the Wion Declaration is excerpts of the deposition of K. McNeill Taylor, Jr.,
18 which was designated by Motorola as “HIGHLY CONFIDENTIAL.” The excerpted pages
19 reference non-public commercially sensitive information regarding Motorola’s business and
20 licensing practices and strategies. Disclosure of this information to third parties and other party
21 employees not covered by the Protective Order would have the potential to lead to competitive
22 harm. Accordingly, Exhibit 3 should remain under seal.

23 Exhibit 4 to the Wion Declaration is excerpts of the deposition of Brian Blasius, which was
24 designated by Motorola as “CONFIDENTIAL BUSINESS INFORMATION.” The excerpted
25 pages reference non-public commercially sensitive information regarding Motorola’s business and

26 ¹ Exhibit 9 to the Wion Declaration was also filed under seal, but Motorola does not maintain that it needed to be.

1 licensing practices and strategies. Disclosure of this information to third parties and other party
2 employees not covered by the Protective Order would have the potential to lead to competitive
3 harm. Accordingly, Exhibit 4 should remain under seal.

4 Exhibit 6 to the Wion Declaration is excerpts of the transcript of Trial Day 6,
5 November 20, 2012, in the November 2012 trial in this matter, which was sealed by Court order.
6 The excerpted pages reference non-public commercially sensitive information regarding
7 Motorola's business and licensing practices and strategies. Disclosure of this information to third
8 parties and other party employees not covered by the Protective Order would have the potential to
9 lead to competitive harm. Accordingly, Exhibit 6 should remain under seal.

10 Exhibit 7 to the Wion Declaration is excerpts of the transcript of the deposition of Allen
11 Lo, which was designated by third party Google as "HIGHLY CONFIDENTIAL-ATTORNEYS'
12 EYES ONLY.'" The excerpted pages reference non-public commercially sensitive information
13 regarding Google's business and licensing practices and strategies. Disclosure of this information
14 to third parties and other party employees not covered by the Protective Order would have the
15 potential to lead to competitive harm. Accordingly, Exhibit 7 should remain under seal.

16 Exhibit 8 to the Wion Declaration is excerpts of the transcript of the deposition of Gregory
17 Leonard, which was designated by Motorola as "HIGHLY CONFIDENTIAL.'" The excerpted
18 pages reference non-public commercially sensitive information regarding Motorola's business and
19 licensing practices and strategies. Disclosure of this information to third parties and other party
20 employees not covered by the Protective Order would have the potential to lead to competitive
21 harm. Accordingly, Exhibit 8 should remain under seal.

22 Exhibit 10 to the Wion Declaration is a document produced by Motorola in this litigation
23 and designated "CONFIDENTIAL BUSINESS INFORMATION.'" The document references
24 non-public commercially sensitive information regarding Motorola's business and licensing
25 practices and strategies. Disclosure of this information to third parties and other party employees
26

not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, Exhibit 10 should remain under seal.

Exhibit 11 to the Wion Declaration is a document produced by Motorola in this litigation and designated "CONFIDENTIAL BUSINESS INFORMATION." The document references non-public commercially sensitive information regarding Motorola's business and licensing practices and strategies. Disclosure of this information to third parties and other party employees not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, Exhibit 11 should remain under seal.

To the extent that Microsoft's Motions *in Limine* refers to or describes the sealed exhibits listed above, the un-redacted version of the document should also remain under seal.

The Parties' Pretrial Order references non-public commercially sensitive information of Motorola and third parties. Disclosure of this information to third parties and other party employees not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, the un-redacted version of the document should remain under seal.

III. CONCLUSION

Motorola does not oppose Microsoft's 7/29/13 Motion to Seal (Dkt. No. 798). Nothing herein is intended as a waiver of Motorola's right to contest Microsoft's designation of material as Confidential Business Information in accordance with the terms of the Protective Order. Motorola expressly reserves the right to do so as the circumstances warrant.

DATED this 7th day of August, 2013.

Respectfully submitted,

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***Attorneys for Motorola Solutions, Inc.,
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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 7th day of August, 2013.

/s/ Marcia A. Ripley
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